

REMARKS

Claims 1-3 are pending in this application. By this Amendment, Fig. 1 and claim 1 are amended. No new matter is added.

I. Drawings

In paragraph 2 on page 2 of the Office Action, it is indicated that a corrected drawing is required in reply to the Office Action. Such is not correct. Applicants submitted a Request for Approval of Drawing Correction which was approved. There is no requirement anywhere in the rules that requires a formal drawing be submitted until the application is allowed. The only requirement that exist concerning drawings is if there is an inconsistency between the drawings, the specification and the claims, or in any subcombination thereof that if it is appropriate the drawings either be corrected by submission of a marked-up antecedent copy of the copy or by a replacement. Once that has been accomplished, it is at the Applicants discretion when formal drawings are submitted if a marked-up antecedent copy has been submitted. This because the U.S. government recognizes it is not appropriate to require inventors, or companies to expend monies that may not necessarily need be expended if the application is never allowed. Thus, the U.S. government allows the Applicant to determine whether to submit a marked-up antecedent drawing, Request for Drawing Corrections, or a replacement drawing at the time the requirement is made.

In this case, however, because the correction is minimal, Applicants has chosen to submit a replacement drawing as attached.

II. Claim Rejections Under 35 U.S.C. §112, First Paragraph and Second Paragraph

Claims 1-3 are rejected under 35 U.S.C. §112, first paragraph and second paragraph. The rejection is respectfully traversed.

The Office Action alleges that the disclosure does not appear to provide support for "a drive unit that drives the switching device to switch the state of the cutter . . . by moving the

switching device to a cutting state position based on the proximity to a side wall of a frame". The Office Action also alleges that the language is vague and indefinite.

Applicants submit that as the language that has been objected to is amended to more clearly recite the subject matter that Applicants consider to be their invention. Support for the recited "motor unit that moves the switching device" may be found through the specification and at least at page 7, lines 12-19, page 15, lines 28-30 and Fig. 3. The rejection of claims 1-3 under 35 U.S.C. §112, first paragraph and second paragraph is moot.

III. Claim Rejections Under 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,608,891 to Frisby et al. (Frisby). The rejection is respectfully traversed.

Applicants assert that Frisby does not disclose each and every feature of the rejected claims. For example, Frisby does not disclose a label making apparatus having side walls that makes labels by performing a full cutting and a half cutting on a sheet, comprising *inter alia* . . . the cutter performing the full cutting on a sheet in the full cutting state, and the half cutting on the sheet in the half cutting state, as recited in originally filed claim 1.

Additionally, Frisby also does not disclose a controller that controls the switching device so that the half cutting is performed at least twice on the sheet before the full cutting is performed thereon, as also recited in originally filed claim 1.

Rather, Frisby merely discloses a member 86 in which the tube 16 is mounted, is mounted on the carriage 80 so that the member may move each way in a vertical direction relative to the beam 64 in response to a signal from the computer 76 (col. 4, lines 19-23). The member 86 is moved so that the cutting blade 4 moves into and out of contact with the material to be cut and cuts the desired pattern in the material 58 (col. 4, lines 27-29). The member 86, and therefore the cutting blade 4, are moved downwardly until the cutting blade has penetrated through the material 58 (col. 5, lines 29-32, Fig. 4). Accordingly, Frisby does

not disclose or suggest a cutter performing half cutting in the half cutting state or a controller that controls a switching device so that the half cutting is performed at least twice on a sheet before the full cutting is performed thereon.

Applicants further assert that Frisby does not disclose each of the features recited in claim 1, as amended. For example, Frisby does not disclose a cutter disposed between the side walls of the apparatus comprising a single cutting blade that cuts the sheet along a desired line and a switching device coupled to the cutter that switches a state of the cutter between a full cutting state and a half cutting state by moving the cutter from a first position to a second position via contact of the switching device and one of the side walls of the apparatus.

Rather, as stated above, Frisby discloses a member 86 in which the tube 16, in which the swivel knife 2 is disposed, is moved vertically relative to the beam 64 in response to the signal from the computer 76. Therefore, the switching device in Frisby does not disclose switching between a full cutting state and a half cutting state by moving the cutter from a first position to a second position via contact of the switching device in one of the side walls of the apparatus. Accordingly, Applicants respectfully request the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

Claim 1 is rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,391,168 to Gerber et al. (Gerber). The rejection is respectfully traversed.

Applicants assert that Gerber also does not disclose each and every feature recited in claim 1 as originally filed. For example, Gerber does not disclose the cutter performing the full cutting in the full cutting state and the half cutting in the half cutting state, or a controller that controls the switching device so that the half cutting is performed at least twice on the sheet before the full cutting is performed thereon.

Rather, Gerber discloses a cutting wheel 12 which is connected to an actuator 42 by a piston and rod assembly 44. The actuator 42 is pneumatically or hydraulically operated (col. 3, lines 43-49). The actuator 42 is used to lower the cutting wheel 12 into cutting engagement with the sheet material on the table 14, as well as to establish a downward force which presses the sharp cutting edge of the wheel against the support surface 14 and severs the sheet material during the course of a cutting operation (col. 3, lines 58-63). Accordingly, Gerber does not disclose the half cutting state or control of the half cutting by a controller.

Additionally, Gerber does not disclose each and every feature recited in claim 1 as amended. For example, Gerber does not disclose a label making apparatus having side walls that makes labels by performing a full cutting and a half cutting on a sheet, comprising *inter alia* . . . a switching device coupled to the cutters that switches a state of the cutter between a full cutting state and a half cutting state by moving the cutter from a first position to a second position via contact of the switching device and one of the side walls of the apparatus.

Rather, as discussed above, the cutting wheel 12 of Gerber is moved into and out of contact with the sheet material via a pneumatically or hydraulically operated actuator 42 which includes a piston and rod assembly to raise and lower the cutting wheel. Thus, the cutter is not switched between a full cutting state and a half cutting state by being moved from a first position to a second position via contact of the switching device and one of the side walls of the apparatus. Accordingly, Applicants respectfully request the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

Claim 1 is rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,920,495 to Pilkington. The rejection is respectfully traversed.

Applicants assert that Pilkington does not disclose each and every feature recited in the rejected claims. For example, Pilkington does not disclose a label making apparatus having side walls that makes labels by performing a full cutting and a half cutting on a sheet,

comprising *inter alia* a switching device coupled to the cutter that switches a state of the cutter between a full cutting state and a half cutting state by moving the cutter from a first position to a second position via contact of the switching device and one of the side walls of the apparatus.

Rather, Pilkington discloses a control system for a cutting machine that comprises a computer numerically controlled unit (CNC) 58, a head control unit (HCU) 60 and a memory 62 (col. 4, lines 39-42). The HCU 60 supplies a Z drive signal to the head drive mechanism 46 to control the height of a blade 54 and receives a Z feedback signal from an encoder in the drive mechanism 46, the Z direction being a direction vertical relative to the cutting surface of the cutting machine (col. 4, lines 54-59, Fig. 1). As shown in Fig. 4, a sensor unit 64 is mounted on a saddle 38. The sensor unit 64 comprises a mounting bracket 66 having an arm 68 to which is attached a mounting tube 70 of a linear variable differential transformer 72. A stylus arm 74 is mounted for pivotal movement of the bracket 66 and has at one end thereof a rounded stylus tip 76 (col. 5, lines 3-10). In operation of the machine for cutting, the sensor unit 64 is replaced by the cutting tool 40 (the ultrasonic cutting tool). The nominal height of the blade is derived by the HCU 60. During cutting, with the X, Y position of the blade under control of the CNC 58, the signal Z to control the height of the blade is derived from the nominal height signal H as modified by the adjustment data contained in the memory 62 for the particular position of the blade on the work surface (col. 5, lines 47-55). Accordingly, the cutter in Pilkington is not switched between a full cutting state and a half cutting state by movement of the cutter from a first position to a second position via contact of the switching device and one of the side walls of the apparatus. Therefore, Applicants respectfully request the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

IV. Claim Rejections Under 35 U.S.C. §103(a)

Claims 2 and 3, as understood by the Examiner, are rejected under 35 U.S.C. §103(a) as unpatentable over each of Frisby, Gerber and Pilkington. The rejections are respectfully traversed.

The Office Action states that the Examiner takes official notice that switching devices having a configuration as recited in the unamended claims are "old and well-known in the art and provide various known benefits including facilitating quick and easy tool position to different modes such as a cutting position mode, a ready position mode and a tool change/maintenance mode." The Office Action alleges that it would therefore have been obvious to one having ordinary skill in the art that provides such a switching device on the apparatus of any of Frisby, Gerber or Pilkington.

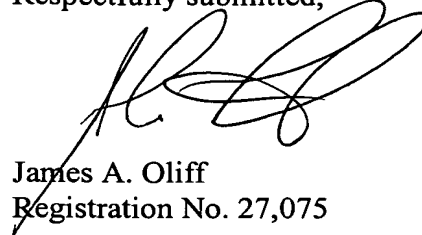
Applicants submit that claims 2 and 3 are allowable over the applied references of record for their dependency on claim 1, which is allowable for the reasons discussed above, as well as for the additional features recited therein. For example, none of the applied references of record disclose or suggest the switching device as recited in the amended claims. Rather, each of the switching devices shown in the applied references are moved independently of any contact of the switching device and a side wall of the apparatus in which they are disposed. Accordingly, Applicants respectfully request the rejection of claims 2 and 3 under 35 U.S.C. §103(a) be withdrawn.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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